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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,153	01/21/2004	Kun-Li Xieh	14195 B	6468
36672	7590	09/09/2004	EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			COHEN, AMY R	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/763,153

Applicant(s)

XIEH, KUN-LI

Examiner

Amy R Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 6 is objected to because of the following informalities:

Claim 6, line 2 “wherein the” should be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wake (U.S. Patent No. 2,517,264).

Wake teaches a protractor and ruler combination, comprising a main ruler (2), a secondary ruler (23), and an auxiliary ruler (7), wherein: the main ruler has a first side formed with a protractor (5) having a plurality scales (Fig. 1); the secondary ruler is rotatably mounted on the main ruler and has a plurality reading scales (Figs. 1 and 3); and the auxiliary ruler has a first side secured on the secondary ruler (Fig. 1), so that the secondary ruler is moved in concert with the auxiliary ruler on the protractor of the main ruler (Fig. 1 and Col 2, lines 16-50)..

Wake teaches the protractor and ruler combination, wherein the main ruler has a second side formed with a ruler section having a plurality scales (Fig. 1).

Wake teaches the protractor and ruler combination, wherein the ruler section of the main ruler has a distal end formed with a fixing hole (13), and the protractor and ruler combination

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further comprises a support member (42) pivotally mounted on the ruler section of the main ruler, and a pivot shaft (Fig. 8) extended through an end of the support member and fixed in the fixing hole of the ruler section (Figs. 1 and 7, Col 4, lines 10-47).

Wake teaches the protractor and ruler combination, wherein the secondary ruler has a semi-circular shape (Fig. 1).

Wake teaches the protractor and ruler combination, wherein the auxiliary ruler has a second side formed with a ruler section having a plurality scales (Fig. 1).

Wake teaches the protractor and ruler combination, wherein the reading scales (27) of the secondary ruler have sizes determined according to an inner diameter of the scales of the protractor (Figs. 1 and 3).

4. Claims 1, 2, 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Beaucage (U. S. Patent No. 2,353,989).

Beaucage teaches a protractor and ruler combination (Figs. 4-6), comprising a main ruler (31), a secondary ruler (30), and an auxiliary ruler (32), wherein; the main ruler has a first side formed with a protractor (22) having a plurality scales (Fig. 4); the secondary ruler is rotatably mounted on the main ruler and has a plurality reading scales (Fig. 4); and the auxiliary ruler has a first side secured on the secondary ruler, so that the second ruler is moved in concert with the auxiliary ruler on the protractor of the main ruler (Figs. 4-6 and Col 3, lines 1-75).

Beaucage teaches the protractor and ruler combination, wherein the main ruler has a second side formed with a ruler section having a plurality scales (Fig. 4).

Beaucage teaches the protractor and ruler combination wherein the secondary ruler has a semi-circular shape (Fig. 4).

Beaucage teaches the protractor and ruler combination, wherein the protractor of the main ruler has a center formed with a through hole (at 29) and has a periphery formed with a guide slot (33), the secondary ruler has a center formed with a through hole aligning with the through hole of the protractor and has a periphery formed with a through bore (at 34) aligning with the guide slot of the protractor (Figs. 4 and 5), the first side of the auxiliary ruler is formed with a through hole aligning with the through hole of the secondary ruler (at 34) and a through bore aligning with the through bore of the secondary ruler (at 29), and the protractor and ruler combination further comprises a pivot pin (29) extended through the through hole of the auxiliary ruler, the through hole of the secondary ruler and the through hole of the protractor, and a snap member secured on a distal end of the pivot pin (Figs. 4-6 and Col 3, lines 1-75).

Beaucage teaches the protractor and ruler combination, comprising a screw member (34) extended through the guide slot of the protractor, the through bore of the secondary ruler and the through bore of the auxiliary ruler, and a nut (35) screwed on the screw member (Figs. 4 and 6).

Beaucage teaches the protractor and ruler combination wherein the guide slot is arc-shaped (Fig. 4).

Beaucage teaches the protractor and ruler combination, wherein the auxiliary ruler has a second side formed with a ruler section having a plurality scales (Fig. 4).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wake in view of Maier (U. S. Patent No. 4,539,881).

Wake discloses the protractor and ruler combination as described above in paragraph 3.

Wake does not disclose the protractor and ruler combination comprising an anti-skid pad mounted on the auxiliary ruler; which separates the auxiliary ruler from the main ruler; and wherein it is located beside the secondary ruler.

Maier discloses a protractor comprising an anti-skid pad mounted on the protractor ends (Col 1, lines 23-29, Col 2, lines 53-59, Col 3, lines 48-51, Col 4, lines 12-16, and Col 6, lines 62-68).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Wake to include an anti-skid pad on the auxiliary ruler, as taught by Maier, so that the auxiliary ruler remains in place while using the device but does not scratch or harm the surface on which it slides (as taught by Maier, Col 5, line 66-Col 6, line 15).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose protractor and ruler combinations Eskew et al. (U. S. Patent No. 6,536,124), Wei (U. S. Patent No. 5,475,931), Haskell (U. S. Patent No. 5,471,755), Kathan (U. S. Patent No. 5,419,053), Chow (U. S. Patent No. 5,392,525), MacDowney (U. S. Patent No. 1,299,978), and Downey (U. S. Patent No. 475,390).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC  
September 6, 2004



Diego Gutierrez  
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